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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,053	02/08/2002	Bruce Bent	049212-0106	9308

22428 7590 09/16/2005

FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
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FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/071,053	<b>Applicant(s)</b> BENT ET AL.	
	<b>Examiner</b> Daniel S. Felten	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02/07/2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/172005</u> | 6) <input type="checkbox"/> Other: _____  |

*Handwritten signature*

### **DETAILED ACTION**

1. It is acknowledged that the current Application 10/071,053 filed February 08, 2002 is a Continuation-in Part of Application of 09/677,535 filed October 02, 2000, which is a Continuation-in-Part of Application 09/176,340 filed October 21, 1998 now Patent No. 6,374,231. Claims 1-20 are pending in the application and are presented to be examined upon their merits.

#### ***Claim Objections***

2. Claims 1 and 16 objected to because of the following informalities:

Re claim 1: Delete "FDIC in the claims and substitute, --Federal Deposit Insurance Corporation ("FDIC")--.

Re claim 16: Delete "ACH" in the claim and substitute, --Automated Clearing House ("ACH")--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 3, 6, 11, 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of “and/or” in the claims presents both inclusive and exclusive limitations at the same time. Does the applicant mean to be inclusive or exclusive in claims’ scope?

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oncken (US 4,985,833) in view of Paulson (US 5,893,078).

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Oncken discloses a system and method for managing a plurality of client demand accounts steps

--establishing an FDIC-insurable, pooled deposit account (20) (*central transaction control center*) at a client's bank or savings institution (see Oncken, Abstract, col. 4, lines 5-52; and col. 5, lines 18-29), *as in claim 1, 18*

--transferring client funds from each of a plurality of client demand accounts to the pooled deposit account at the client's bank or savings institution (see Oncken, col. 5, lines 32-56; and col. 6, lines 18-36; and col. 4, lines 5-52), *as in claims 1, 3-6, 10, 12, 13* including:

--updating a database for deposit and withdrawal activities (see col. 5, lines 64-67) and accepting client funds, *as in claim 7*, (see col. 6, lines 18-26),

--accepting funds for deposit from the plurality of clients without limitation to the number of transfers (see Oncken, col. 5, lines 57-61), *as in claim 8*

--distributing all or a portion of the interest accrued from the pooled deposit account among a plurality of clients (see Oncken, col. 6, lines 20-26); wherein the client funds are retained by the bank or savings institution, and the client may implement up to an unlimited number of transactions per month (see Oncken, col. 6, lines 18-26), *as in claims 1 and 2*,

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--monitoring (*tracking*) requested debits of funds from each of the client demand accounts, and selectively authorizing or rejecting each of the requested debits based upon the account balance in a client demand account and/or a client's proportionate and/or monetary share in the pooled deposit account, (see Oncken, col. 5, lines 57-67 ), *as in claims 11 and 15*

--further including the step of debiting and crediting a plurality of deposit accounts at a plurality of banks and/or savings institutions on the client's behalf, as in claim

-- accepting client funds (see col. 5, lines 57-61), *as in claim 14*, and

--the banking institution retaining client funds while, at the same time, providing the client with up to an unlimited number of transactions per month, and also providing the client with interest on account balances (see col. 6, lines 18-26), *as in claim 14*,

Determining whether each client's insured deposit account contains more than a specified amount (see col. 5, lines 46-56), *as in claim 16*, and

distributing any amounts over said specified amount into another deposit account at a pre-selected banking institution (see col. 5, line 67 to col. 6, line 6), *as in claim 16*,

wherein client's funds are deposited by at least one method selected from the group consisting of check, wire of electronic transfer, ACH, third party credits, and a sweep from one of the client's other accounts (see col. 5, line 67 to col. 6, line 6), *as in claim 17*,

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wherein withdrawals are in the form of at least one type selected from the group consisting of drafts (checks), credit card debit card, sweeps, electronic transactions, and combinations thereof (see Oncken, col. 5, lines 57+), *as in claim 19*,

wherein deposits are in the form of least one type selected from the group consisting of drafts (checks), sweeps, electronic transfers, and combinations thereof (see Oncken, col. 5, lines 57+), *as in claim 20*,

Oncken discloses a managing financial institution where depositors deliver funds to a central transaction control (same as *managing financial institution*) which establishes a single money market savings account to receive “co-mingled” deposits of multiple depositors. Oncken discloses that the purpose of this is to be able to provide depositors with unlimited and immediate deposits and withdrawals, FDIC (or FSLIC) protection and earn current market interest (see Oncken, col. 5, lines 18-29).

Oncken fails to disclose for managing **demand** accounts for each of a plurality of clients. Demand accounts are is a deposit accounts held at a bank or other financial institution, the funds deposited in which are payable on demand. The primary purpose of demand accounts is to facilitate cashless payments by means of check, bank draft, direct debit, electronic funds transfer etc.,

Paulson teaches the advantages of having a demand accounts and a method to address the limitations of the demand deposit account using subaccounts (see Paulson, Abstract, col. 1, lines, 24 –34+, to col. 2, line 29; and col. 2, lines 33+).

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An artisan of ordinary skill at the time of the invention would have recognized the similarities between the federally insured depositories (22) of Oncken and the demand accounts disclosed in Paluson inasmuch as both provide cashless payments by means of electronic funds transfer of funds and provide accesibility. Thus to substitute the demand account for the federally insured depositories (or vice versa) would be considered a substitution of equivalence to one of ordinary skill in the art.



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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742. The examiner can normally be reached on Flex.

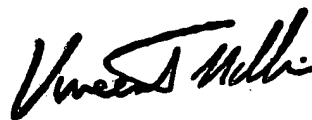
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DSF  
August 31, 2005

Daniel S Felten  
Examiner  
Art Unit 3624



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600